

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN BURKE, WHO MOVED ITS ADOPTION,  
SECONDED BY SUPERVISOR CUMMINGS, TO WIT

**RESOLUTION ADOPTING  
DETERMINATION OF NON-SIGNIFICANCE  
OF  
LOCAL LAW NO 4 of the YEAR 2017**

WHEREAS, the Town Board of the Town of Newstead is considering adoption of a Local Law to provide construction standards to resist the entry of radon and prepare buildings for post-construction radon mitigation for all new homes and buildings intended for occupancy and has determined that such action is an Unlisted Action under SEQRA and has determined that a coordinated review is not required because the proposed action is only of local significance; and

WHEREAS, the Town Board has reviewed the Short Form EAF form submitted and has determined that the proposed action will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Newstead, after considering the action proposed herein, in reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment and that no further action is required by the Town of Newstead

The question of the adoption of the foregoing SEQRA negative declaration was duly put to a vote on roll call, at a regular meeting of the Town Board on May 22, 2017 the results of which were as follows:

Councilman Dugan	No	
Councilman Burke	Aye	
Councilman Jendrowski	Aye	
Councilwoman Morlacci	Aye	
Supervisor Cummings	Aye	Carried

COUNCILMAN BURKE MOVED THE ADOPTION  
OF THE FOLLOWING LOCAL LAW NO. 4 OF THE YEAR 2017,  
SECONDED BY SUPERVISOR CUMMINGS, TO WIT

A Local Law known as Local Law No. 4 of the Year 2017 entitled "Radon Control Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

**SECTION 1. TITLE**

This Law shall be known as Local Law No. 4 of the Year 2017 entitled "Radon Control Law of the Town of Newstead".

**SECTION 2. PURPOSE**

The purpose of this local law to promote the public health, safety, and general welfare and to provide construction standards to resist the entry of radon and prepare buildings for post-construction radon mitigation. These radon control methods shall apply only to new construction of homes and buildings intended for occupancy.

**SECTION 3. DEFINITIONS**

For the purpose of this chapter, the terms used shall be defined as follows:

ENCLOSED CRAWL SPACE-A crawl space that is enclosed with foundation walls inclusive of any windows, doors, access openings and required vents.

DRAIN TILE LOOP-A continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawl space footing.

SOIL-GAS RETARDER-A continuous membrane of six mil (0.15 mm) polyethylene or other equivalent material used to retard the flow of soil gases into a building.

SUB-MEMBRANE DEPRESSURIZATION SYSTEM-A system designed to achieve lower sub-membrane air pressure relative to crawl space air pressure by use of a vent drawing air from beneath the soil-gas-retarder membrane.

SUB-SLAB DEPRESSURIZATION SYSTEM (ACTIVE)- A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the slab.

SUB-SLAB DEPRESSURIZATION SYSTEM (PASSIVE)-A system designed to achieve lower sub-slab pressure relative to indoor air pressure by use of a vent pipe routed through the conditioned space of a building and connecting the sub-slab area with outdoor air, thereby relying on the convective flow of air upward in the vent

to draw air from beneath the slab.

VENT PIPE-Not less than a 4-inch diameter (102 mm) ABS or PVC gas-tight pipe extending from the gas permeable layer through the roof.

#### SECTION 4. REQUIREMENTS

The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary.

- A. Subfloor preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building to facilitate future installation of a sub-slab depressurization system, if needed. The gas-permeable layer shall consist of one of the following:
  - (1) A uniform layer of clean aggregate, a minimum of four inches (102 mm) thick. The aggregate shall consist of material that will pass through a two-inch (51-mm) sieve and be retained by a one-fourth-inch (6.4-mm) sieve.
  - (2) A uniform layer of sand (native or fill) a minimum of four inches (102 mm) thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
  - (3) Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire sub-floor area.
- B. Ground cover. A minimum six-mil (0.15-mm) [or three-mil (0.075-mm) cross-laminated] polyethylene or equivalent flexible sheeting material shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces at the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting.
- C. Entry routes. Potential radon entry routes shall be closed in accordance with Subsection C(1) through (10).
  - (1) Floor openings. Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

- (2) Concrete joints. All control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.
- (3) Condensate drains. Condensate drains shall be trapped or routed through non-perforated pipe to daylight.
- (4) Sumps. Sump pits open to soil or serving as the termination point for sub-slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sumps used as the suction point in a sub-slab depressurization system shall have a lid designated to accommodate the vent pipe. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.
- (5) Foundation walls. Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled. Channel-type drains are not recommended; however, if used, the joint between the foundation wall and floor slab should be sealed with backer rods and an elastomeric joint sealant, below the top of the floor slab, to form a channel. The channel shall be sloped toward the sump in a manner that retains the channel feature and does not interfere with the effectiveness of the drain as a water control measure.
- (6) Damp-proofing. The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be damp-proofed.
- (7) Air-handling units. Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit. Exception: units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.
- (8) Ducts. Ductwork passing through a crawl space or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork shall be sealed to prevent air leakage.

(9) Crawl space floors. Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.

(10) Crawl space access. Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.

D. Passive sub-membrane depressurization system. In buildings with crawl space foundations, the following components of a passive sub-membrane depressurization system shall be installed during construction. Exception: buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

(1) Ventilation. Crawl spaces shall be provided with vents to the exterior of the building.

(2) Ground cover. The soil in crawl spaces shall be covered with a continuous layer of minimum six-mil (0.15-mm) polyethylene ground cover. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.

(3) Vent pipe. A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a four-inch diameter (102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3,048 mm) away from any window or other opening into the conditioned spaces of the building that is less than two feet (610 mm) below the exhaust point, and 10 feet (3,048 mm) from any window or other opening in adjoining or adjacent buildings.

E. Passive sub-slab depressurization system. In basement or slab-on-grade buildings, the following components of a passive sub-slab depressurization system shall be installed during construction.

(1) Vent pipe.

(a) A minimum four-inch diameter (102 mm) ABS, PVC, or equivalent gas-tight pipe shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the sub-slab permeable material.

(b) The pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof, in a location at least 10 feet (3,048 mm) away from any window or other opening into the conditioned spaces of the

building that is less than two feet (610 mm) below the exhaust point, and 10 feet (3,048 mm) from any window or other opening in adjoining or adjacent buildings.

(2) Multiple vent pipes. In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof.

- F. Vent pipe drainage. All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas retarder.
- G. Vent pipe accessibility. Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space. Exception: The radon vent pipe need not be accessible in an attic space where an approved rooftop electrical supply is provided for future use.
- H. Vent pipe identification. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. The label shall read: "Radon Reduction System."
- I. Combination foundations. Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipes installed in each type of foundation area. Each radon vent pipe shall terminate above the roof or shall be connected to a single vent that terminates above the roof.
- J. Building depressurization. The construction shall include joints in air ducts and plenums in unconditioned spaces, thermal envelope air infiltration requirements and fire stopping.
- K. Power source. To provide for future installation of an active sub-membrane or sub-slab depressurization system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall also be accessible in anticipated locations of system failure alarms. An accessible clear space 24 inches (610 mm) in diameter by 3 feet (914 mm) in height adjacent to the vent pipe shall be provided at the anticipated location of a future radon fan.

## **SECTION 5. SEPARABILITY**

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **SECTION 6. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State of New York.

The question of the enactment of the foregoing Local Law was duly put to a vote roll call vote at a regular meeting of the Town Board on May 22, 2017, the results of which were as follows:

Councilman Dugan	NO	
Councilman Burke	AYE	
Councilman Jendrowski	NO	
Councilwoman Morlacci	NO	
Supervisor Cummings	AYE	FAILS TO PASS



Town of Newstead  
**PLANNING RESOLUTION**  
*May 22, 2017*

For New York State Office of Parks, Recreation & Historic Preservation  
Skyline Park Enhancement Project

I, Dawn Izydorczak, Town Clerk of the Town of Newstead located at 5 Clarence Center Road, P.O. Box 227, Akron, NY 14001, a corporation subject to the Not-for-Profit Corporation Law of New York State and qualified for tax exempt status under the Town of Newstead, New York, do hereby certify that the following resolution was adopted at a regular Town Board meeting of the Town of Newstead held on May 22, 2017, and is incorporated in the original minutes of the said meeting and that the said resolution has not been altered, amended or revoked and is in full force and effect.

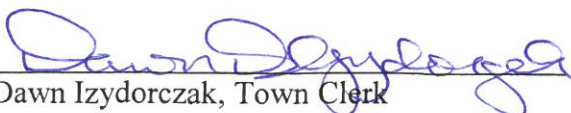
RESOLVED:

Whereas, the Town of Newstead has purchased the proposed project site and is therefore now the responsibility of the Town of Newstead through the acquisition of property from Erie County; and

Whereas, it has been determined by the Town of Newstead that the best solution to meeting active and organized recreation needs and priorities of its residents and underserved members of the community is to expand the offering of recreational facilities and amenities for increased inclusive activities, organized community events and to meet ADA standards;

Now, therefore, be it resolved that the Town of Newstead will endeavor to enhance its newly acquired park property from Erie County, New York for residents and underserved members of the community through the addition of youth and adult ball fields, enhancement of existing fields and amenities, concessions and maintenance buildings, public shelters and restrooms, and improved parking areas to serve park patrons.

And further, it is resolved that David L. Cummings, as Supervisor of the Town of Newstead, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount no less than 50% of the grant award, and enter into and execute a project agreement with the State for such financial assistance to this Town of Newstead for the Skyline Park Enhancement Project.

  
Dawn Izydorczak, Town Clerk



Town of Newstead  
**AUTHORIZING RESOLUTION**

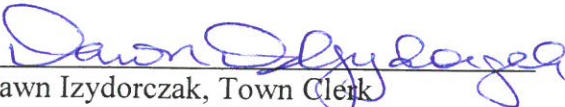
*May 22, 2017*

For New York State Office of Parks, Recreation & Historic Preservation  
Skyline Park Enhancement Project

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RESOLVED:

That David L. Cummings, as Supervisor of the Town of Newstead, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount no less than 50% of the grant award, and enter into and execute a project agreement with the State for such financial assistance to this Town of Newstead for Newstead's Skyline Park Enhancement Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

  
Dawn Izydorczak, Town Clerk

Seal of Municipality

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN JENDROWSKI, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN

RESOLUTION TAX COLLECTION IN ERIE COUNTY

WHEREAS, the Erie County Town Clerks and Tax Collectors Association has been in existence for 50 years, marking that anniversary this year; and

WHEREAS, Erie County is comprised of 25 Towns, 13 being Towns of the First Class, which defined is a town with a population of more than 10,000 which are the Towns of Alden, Amherst, Aurora, Cheektowaga, Clarence, Evans, Elma, Grand Island, Hamburg, Lancaster, Orchard Park, Tonawanda, and West Seneca and 12 being Towns of the Second Class, which defined is a town with a population of less than 10,000 which are the following Towns of Boston, Brant, Colden, Collins, Concord, Eden, Holland, Marilla, Newstead, North Collins, Sardinia, and Wales; and

WHEREAS, Erie County Real Property Tax Services prepares and prints the bills to be distributed to all 25 Towns in Erie County for Town and County Taxes and School Taxes; and

WHEREAS, according to the Erie County Tax Act, being Chapter 812, Laws of 1942, Town and County Taxes in the Towns of the First Class are due and payable on February 15th of every year, with a penalty schedule as follows: if paid on February 16th and before March 1st, 1.5%; if paid on March 1st and before March 16th 3%; if paid March 16th and before April 1st, 4.5%; if paid April 1st and before April 16th, 6%; if paid on April 16th and before May 1st, 7.5%; and

WHEREAS, according to the Erie County Tax Act, being Chapter 812, Laws of 1942, Town and County taxes in the Towns of the Second Class are due and payable on March 15th of every year, with a penalty schedule as follows: if paid on March 16th and before May 1st, 7.5% shall be added. The Towns of the Second Class are penalized 7.5% the date after the due date of taxes, March 15th, where the Towns of the First Class are not penalized 7.5% until 3 months after the due date; and

WHEREAS, the Town Clerks and Tax Collectors in Towns of the Second Class in Erie County are requesting that the Erie County Tax Act, Laws of 1942 be amended to give relief from the excessive penalty schedule to the taxpayers in those Towns and that the same penalty schedule and due dates for Town and County taxes of the Towns of the First Class be used for all Towns in Erie County, namely for Town and County taxes to be due and payable on February 15th; and

WHEREAS, the schedule for the School Tax collections is uniformly due and payable on October 15th for all towns in Erie County and does not create an inconvenience for the County of Erie Real Property Tax Services to prepare.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Town Clerks and Tax

Collectors Association requests that Erie County Legislature, the Director of Real Property Tax Services Erie County, the County Executive, and the County Attorney take appropriate action to correct the existing disparity which unfairly penalizes taxpayers in smaller communities in Erie County; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to John Mills, Chairman of the Erie County Legislature; Joseph Maciejewski, Director of Real Property Tax Services, Erie County; Mark Poloncarz, County Executive; Michael Siragusa, County Attorney; Association of Erie County Governments; and Supervisors of Erie County Towns of the Second Class.

The above resolution was duly put to a roll call vote at a special meeting of the Town Board on May 22, 2017, the results of which were as follows:

Councilman Dugan	NO	
Councilman Burke	NO	
Councilman Jendrowski	NO	
Councilwoman Morlacci	NO	
Supervisor Cummings	NO	FAILS TO PASS

STATE OF NEW YORK)  
COUNTY OF ERIE)

I, Dawn D. Izydorczak, DO HEREBY CERTIFY, that the foregoing is a true copy of a resolution passed by the Town Board of the Town of Newstead at its regular meeting held on 22nd day of May, 2017, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Newstead, this 23rd day of May, 2017.

(SEAL)

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Dawn Izydorczak, Town Clerk  
Town of Newstead

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILWOMAN MORLACCI, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town Board of the Town of Newstead on June 21, 2016 adopted Local Law No. 1 of the Year 20016 entitled "Amendment to the Code of the Town of Newstead Placing a Six Month Moratorium on the Construction and Installation of Solar Farms within the Town" which local law was filed with the Department of State on July 6, 2016 with the moratorium to expire on January 6, 2017; and

WHEREAS, pursuant to such local law, the Town Board was authorized to extend the moratorium by resolution and by resolution adopted on December 29, 2016, the Town Board extended the moratorium until July 6, 2017; and

WHEREAS, the Town Board has received a draft of a proposed Solar Law from the Town Planning Board and are in the process of reviewing the draft together with additional comments from the Conservation Advisory Council and the Town Legal Department and it is now evident that the Town Board will not be able to enact a local law governing solar farms before the expiration of the six month extension to the original six month moratorium on July 6, 2017; and

WHEREAS, pursuant to Local Law No. 1, the Town Board is authorized to extend the moratorium by resolution.

NOW, THEREFORE, be it resolved by the Town Board as follows:

1. The Town Board does hereby extend the six month moratorium on the construction and installation of solar farms within the Town as previously extended by the Town for an additional three month period ending on October 6, 2017 or until such lesser period of time as is necessary for the Town Board to enact the necessary legislation.
2. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at the special meeting of the Town Board held on May 22, 2017, the results of which were as follows:

Councilman Dugan	AYE
Councilman Burke	AYE
Councilman Jendrowski	AYE
Councilwoman Morlacci	AYE
Supervisor Cummings	AYE

CARRIED UNANIMOUSLY

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN BURKE, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN DUGAN

WHEREAS, the Town of Newstead is in the process of considering the installation of waterlines on Indian Falls Road, Knapp Road and Kirby Road in the Town of Newstead Consolidated Water District No. 1 and requested that Wendel submit a proposal for the preparation of a map, plan and report in connection therewith; and

WHEREAS, the Town Board has received a proposal from Wendel for preparation of the map, plan and report in the amount of \$2,500 (lump sum); and

WHEREAS, the Town Board has reviewed the proposed contract and has determined that it is in the best interest of the Town to award such contract.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby approve the contract with Wendel for professional services in connection with the preparation of the map, plan in report in the lump sum amount of \$2,500
2. The Supervisor is hereby authorized to execute the contract.
3. This resolution shall be effective immediately.

The above resolution was duly put to a roll call vote at regular meeting of the Town Board held on May 22, 2017, the results of which were as follows:

Councilman Dugan	AYE	
Councilman Burke	AYE	
Councilman Jendrowski	AYE	
Councilwoman Morlacci	AYE	
Supervisor Cummings	AYE	CARRIED UNANIMOUSLY

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN DUGAN, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCILMAN JENDROWSKI

WHEREAS, the Town Board previously adopted a resolution establishing standard work days for respective job titles on July 9, 2012; and

WHEREAS, the Town Board has been advised by the State of New York that the Town of Newstead should update the information for elected and appointed officials and will report the days worked to the New York State and Local Employees' Retirement System; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board approves the hours worked per pay period as contained in the attached list and directs that the Town Clerk post the attached list for 30 days and thereafter forward a certified copy to the State Comptroller within 45 days following the adoption of this resolution.
2. This resolution shall be effective immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on May 22, 2017, the results of which were as follows:

SUPERVISOR CUMMINGS-	AYE	
COUNCILMAN DUGAN-	AYE	
COUNCILMAN BURKE-	AYE	
COUNCILMAN JENDROWSKI-	AYE	
COUNCILWOMAN MORLACCI-	AYE	CARRIED UNANIMOUSLY